

**PHARMACY EXAMINING BOARD
JULY 26, 2006
MEETING MINUTES**

- PRESENT:** Michael Bettiga, R.Ph.; Fred Moskol, R.Ph.; Charlotte Rasmussen; Suzette Renwick; Jeanne M. Severson R.Ph.; Rich Verschay, R.Ph.; Gregory C. Weber, R.Ph.
- STAFF:** Tom Ryan, Bureau Director; William Black, Legal Counsel; PJ Monson, Bureau Assistant; and other DRL Staff
- GUESTS:** Jack Monroe and Darrin Wirkes, Target; Paul Baum, Group Health; Doug Englebert, Department of Health and Family Services/Bureau of Quality Assurance (BQA); Tom Engels, Richard Hayney, and Jason Christensen, Pharmacy Society of Wisconsin (PSW); Gerry Lau, Walgreens; Carol Petersen, Women's International Pharmacy; Anna Legreid Dopp and Alan Hanson, University of Wisconsin (UW) Extension Services in Pharmacy

CALL TO ORDER

Chair, Michael Bettiga, called the meeting to order at 9:07 a.m. A quorum of 7 was confirmed.

APPROVAL OF AGENDA

Amendments:

- Item "E" – Proposed Order of the Pharmacy Examining Board Adopting Rules CR 06-052
- After Item "G" – Request for Delivery Variance from DaVita, Inc.
- After Item "H" – Regulatory Digest articles
- After Item "H" – letter from Heartland Home Health and Hospice Pharmacy regarding the reclassification of some medications.
- Item "M" – Order fixing costs for Respa Pharmaceuticals, Inc.
- Item "Q" – replacement to page 167 – agenda request form
- After Item "S" – Case closing 03 PHM 031
- After Item "S" – DOE case status reports

Deletions:

- Remove page 189

MOTION: Jeanne Severson moved, seconded by Charlotte Rasmussen, to approve the agenda with amendments. Motion carried unanimously.

APPROVAL OF MINUTES

Amendments to the Minutes:

- Page 4 of 9 – LRB 4998/1 = The Board discussed inspections of both in-state and out-of-state 'distributors' and the resources required to complete them.

- Page 4 of 9 – Greg Albright’s title is District Manager, Aurora Pharmacy Inc.

MOTION: Fred Moskol moved, seconded by Jeanne Severson, to approve the June 22, 2006 minutes as amended. Motion carried unanimously.

ADMINISTRATIVE REPORT

Out of state licensing report – Kris Hendrickson, Department of Regulation and Licensing Division of Credential Processing

Kris Hendrickson joined the meeting to update the Board on out-of-state pharmacy licensing. To date, a total of 112 pharmacies have been licensed and there are 15 pending applications.

Canadian Pharmacy Evaluation Report – Greg Raube, Supervisor, Department of Regulation and Licensing Division of Enforcement; and Doug Englebert, Pharmacy Consultant, Department of Health and Family Services

Doug Englebert and Greg Raube joined the meeting to update the Board on the recent Canadian pharmacy evaluation and general inspection. They noted that since the last evaluation, pharmacies have downsized, are shipping fewer products, and have reduced the number of pharmacists on staff. The Pharmacy Board requested a Board representative be included in the next evaluation of out of country pharmacies.

Report on the Medical Examining Board’s review of William Black’s presentation on the use of typewritten “electronic signatures” on hard copy prescription orders provided to patients to deliver to a pharmacy for dispensing

Tom Ryan stated that there was a report given to the Medical Examining Board (MEB) by William Black on the use of typewritten electronic signatures, and no action was taken by the MEB at that time. The Pharmacy Board is interested in encouraging dialog with the MEB to take action in the form of education, such as the use of the regulatory digest. Michael Bettiga will contact Dr. Saini (MEB) to discuss this further.

NABP/AACP DISTRICT IV MEETING – NOVEMBER 8-10, 2006

Noted.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES, ADMINISTRATIVE RULES AND LEGISLATION

Tom Ryan updated the Board on the pending cases and legislation.

MOTION: Fred Moskol moved, seconded by Greg Weber, to withdraw the ‘Temporary Location Change’ rule. Motion carried unanimously.

LEGISLATIVE LIAISONS REPORT

LRB 4998/1, relating to drug pedigrees and wholesale distributors

Greg Weber stated that there has been no communication on this since the last meeting.

VARIANCE REPORT UW HOSPITAL AND CLINICS TECHNICIAN CHECKS ON FILLED PRESCRIPTIONS

Michael Bettiga explained the use of the annual variance report by the Board.

MOTION: Fred Moskol moved, seconded by Rich Verschay, to request UW Health, Steve Rough, MS, R. Ph. give a “tech-check-tech” overview at the next meeting. Motion carried unanimously.

VARIANCE REQUEST

DAVITA Rx, INC. PHARMACY JOSHUA GOLOMB, PRESIDENT

MOTION: Fred Moskol moved, seconded by Greg Weber, to request further detail of DaVita’s policy and procedures and defer the variance request until this information is supplied by DaVita Rx, Inc. Motion carried unanimously.

DRUG ENFORCEMENT ADMINISTRATION’S (DEA) GENERAL INFORMATION REGARDING THE COMBAT METHAMPHETAMINE EPIDEMIC ACT OF 2005

Noted.

DRUG ENFORCEMENT ADMINISTRATION (DEA)/DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS) MEETING TO DISCUSS ELECTRONIC PRESCRIPTIONS FOR CONTROLLED SUBSTANCES

William Black updated the Board on the DEA/DHHS meeting. DHHS has encouraged the DEA to proceed with electronic prescribing.

PRACTICE QUESTION HEARTLAND HOME HEALTH CARE & HOSPICE – ROSEVILLE, MN CONNIE MARANVILLE, R. Ph., INFUSION DIRECTOR

Connie Maranville, R.Ph. requests clarification of the recently re-classified pre-filled flushes of Sodium Chloride 0.9% and Heparin 100 units/ml and Heparin 10units/ml as devices and if the PEB would be willing to allow these items to be treated as supplies rather than as medications. William Black stated that if the Food and Drug Administration (FDA) has made a drug re-classification, the PEB would make that change as well. William Black will research this further and respond.

LICENSING LIAISON REPORT

Noted.

REGULATORY DIGEST

The Board will review a draft regulatory digest for approval at a future meeting.

UW CASE DEVELOPMENT COMMITTEE REPORT

There will be a committee meeting held in August and a report will be delivered at the September Pharmacy meeting.

EXEMPTING GRADUATES FROM ACPE ACCREDITED SCHOOLS/COLLEGES OF PHARMACY AND/OR UNIVERSITY OF WISCONSIN – MADISON GRADUATES FROM THE PATIENT CONSULTATION EXAMINATION (PCE)

Greg Weber addressed the Board with a hand-out regarding his research into the requirement for the patient consultation examination. Board discussion of possible elimination of the patient consultation examination ensued, including results of past Board discussion and decisions made regarding the importance of the PCE. The Board emphasized its belief in patient consultation both for the dispensing of the initial prescription as well as the prescription refill.

MOTION: Charlotte Rasmussen moved, seconded by Jeanne Severson, to continue the study of the PCE, work with the University of Wisconsin on the Case Development Committee and continue the current consultation examination. Motion carried unanimously.

REQUEST FOR CONTINUING EDUCATION (CE) AUDIT DRL OFFICE OF EDUCATION AND EXAMINATIONS

Darwin Tichenor, Office of Education and Examinations, joined the meeting to discuss the possibility of a CE audit. Darwin Tichenor will bring an audit plan back to the Board at the next meeting.

MOTION: Jeanne Severson moved, seconded by Suzette Renwick, to ask the department to complete a random audit of CE for the latest biennium, ending in 2006. Motion carried unanimously.

CONTINUING PROFESSIONAL DEVELOPMENT (CPD) – RICHARD HAYNEY, BS, RPH; ALAN HANSON, PH.D.; ANNA LEGREID DOPP, PHARMD

Alan Hanson, Richard Hayney, and Anna Legreid Dopp, appeared before the Board to discuss CPD with handouts. The mission of the CPD pilot task force is to advance patient care by exploring, designing, assessing and advocating new approaches and systems for lifelong learning to better support pharmacists in their personal professional development.

REMOTE DISPENSING – REVIEW OF MODELS, LAWS AND PROPOSALS IN OTHER STATES

The Board watched a video presentation that was presented to the Board in the distant past regarding remote dispensing in North Dakota and Alaska. William Black suggested the Board get additional information from other organizations and industry groups prior to starting the rule writing process. The history of the Board has been to not allow licensure if the storage location of the pharmacy stock is not a licensed pharmacy. Fred Moskol noted the number of critical access hospitals in Wisconsin. The Board requested Tom Ryan contact Pharmacy Society of Wisconsin (PSW) and Rural Wisconsin Health Cooperative (RWHC), for information on their position on remote dispensing.

INFORMATIONAL ITEMS

Noted.

CLOSED SESSION

MOTION: Rich Verschay moved, seconded by Greg Weber, to convene to closed session to deliberate on case(s) following hearing (Wis. Stat. § 19.85 (1)(a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b) and 440.205); to consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll Call Vote: Michael Bettiga-yes; Fred Moskol-yes; Charlotte Rasmussen-yes; Jeanne M. Severson-yes; Rich Verschay-yes; Gregory C. Weber-yes. Motion carried unanimously.

The Board convened into Closed Session at 12:51 p.m.

RECONVENE TO OPEN SESSION TO VOTE ON ITEMS DELIBERATED ON IN CLOSED SESSION

MOTION: Jeanne Severson moved, seconded by Greg Weber, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 2:07 p.m.

DELIBERATION OF PROPOSED ADMINISTRATIVE WARNING

05 PHM 001

MOTION: Fred Moskol moved, seconded by Charlotte Rasmussen, to issue the administrative warning in the matter of 05 PHM 001. Motion carried unanimously.

**DELIVERATION OF PROPOSED ORDER FIXING COSTS
RESPA PHARMACEUTICALS, INC**

MOTION: Greg Weber moved, seconded by Jeanne Severson, to accept the proposed order fixing costs in the matter of disciplinary proceedings against Respa Pharmaceuticals, Inc. Motion carried unanimously.

REQUESTING PERMISSION TO TAKE MPJE FOR FOURTH TIME

DIPAL PATEL

MOTION: Jeanne Severson moved, seconded by Suzette Renwick, to allow Dipal Patel to retake the MPJE exam for the fourth time. Motion carried unanimously.

DISTRIBUTOR APPLICATION REVIEW

PATTERSON DENTAL SUPPLY INC. – WOOD DALE, IL

MOTION: Fred Moskol moved, seconded by Rich Verschay, to request policy and procedures, and the most current inspection reports for Patterson Dental Supply, Inc., Wood Dale, IL. Motion carried unanimously.

CURASCRIPT SD SPECIAL DISTRIBUTUION – ORLANDO, FL

MOTION: Fred Moskol moved, seconded by Charlotte Rasmussen, to approve the application for Curascript SD Specialty Distribution, Orlando, FL. Motion carried unanimously.

ASD SPECIALTY HEALTHCARE, INC – ADDISON TX

MOTION: Jeanne Severson moved, seconded by Greg Weber, to approve the application for ASD Healthcare, Inc, Addison, TX. Motion carried unanimously.

CASE CLOSINGS

DOE CASE CLOSINGS

MOTION: Fred Moskol moved, seconded by Charlotte Rasmussen, to close case 05 PHM 022 for insufficient evidence. Motion carried unanimously.

MOTION: Fred Moskol moved, seconded by Rich Verschay, to close case 03 PHM 031 for lack of jurisdiction. Motion carried unanimously.

DOE MONITORING

ROGER IVERSON, R.PH.

MOTION: Fred Moskol moved, seconded by Suzette Renwick, to continue the summary suspension and deny the request for a three month stay and modifications for Roger Iverson, R.Ph. Motion carried unanimously. Rich Verschay abstained.

VALIDATION OF EXAM SCORES

MOTION: Jeanne Severson moved, seconded by Suzette Renwick, to validate the exam scores of July 25, 2006. Motion carried unanimously.

ADJOURNMENT

MOTION: Suzette Renwick moved, seconded by Rich Verschay, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:10 p.m.

Next Meeting: September 13, 2006